

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

CONNIE SHORTER,

Plaintiff

v.

No. 4:05CV77-P-B

**CITY OF INDIANOLA, MISSISSIPPI; and
CARVER RANDLE, JR. and MONROE JONES,
in their individual and official
capacities,**

Defendants

ORDER

This cause is before the Court on the Magistrate judge's report and recommendation that the instant complaint be dismissed without prejudice, and further, that plaintiff's counsel, Derek L. Hall, be suspended from practicing in this Court due to his failure to abide by the provisions of the magistrate's June 1, 2005 Order pertaining to the initial case management conference. Plaintiff's counsel filed timely objections to the report and recommendation.

After due consideration of the objections and in view of the extenuating circumstances caused by Hurricane Katrina, the Court is of the opinion that counsel provided a sufficient explanation of his failure to comply with the Court's order and his failure to participate in the scheduled case management conference. The Court therefore concludes that dismissal of the action and suspension from practice before this Court are unduly harsh. Accordingly, the Court declines to adopt the magistrate's Supplemental Report and Recommendation

Some measure of sanction is appropriate, however. Plaintiff's counsel is, therefore, ordered to pay the sum of \$250 into the registry of the Court as a sanction for his failure to comply with the provisions of the June 1, 2005 Order

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Court declines to adopt the Report and Recommendation of the Magistrate Judge dated September 6, 2005. IT IS FURTHER ORDERED that Plaintiff's counsel is, therefore, ordered to pay the sanctions in the amount of \$250

into the registry of the Court within ten (10) days of the entry of this Order, or on or before October 28, 2005.

SO ORDERED, this the 11th day of October, 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE